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MESSAGE

OF

THE PRESIDENT,

AND REPORT OF

ALBERT PIKE,

COMMISSIONER OF THE CONFEDERATE STATES TO THE INDIAN NATIONS WEST OF ARKANSAS, OF THE RESULTS OF HIS MISSION.

RICHMOND:
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MESSAGE.

EXECUTIVE DEPARTMENT,
RICHMOND, Dec. 12, 1861.

To the Congress of the Confederate States:

I submit for your constitutional action, treaties recently made with the Chickasaw and Choctaw, Creek, Seminole and Cherokee Tribes of Indians.

In pursuance of a resolution passed by Congress the 5th day of March, 1861, I appointed Albert Pike, a citizen of Arkansas, Commissioner of this Government to all the Indian Tribes West of Arkansas and South of Kansas. His powers and duties were not defined in that resolution, but on the 21st of May, 1861, Congress passed an "Act for the protection of certain Indian Tribes," by which the general policy of Congress, in reference to those tribes, was more fully declared. Considering this act as a declaration by Congress of our future policy in relation to those Indians, a copy of that act was transmitted to the Commissioner, and he was directed to consider it as his instructions in the contemplated negotiations. The general policy of that act is the basis of the Treaties herewith submitted; but, in relation to pecuniary obligations, there is a material departure which will be more fully referred to in its appropriate connection.

The general provisions of all the treaties are similar, and in each, the Confederate States assume the guardianship over the tribe and become responsible for all the obligations to the Indians, imposed by former treaties on the Government of the United States. Important modifications are proposed in favor of the respective local governments of these Indians, to which your special attention is invited.

That their advancement in civilization justified an enlargement of their power in that regard, will scarcely admit of a doubt, but whether the proposed concessions in favor of their local governments are within the bounds of a wise policy, may well claim your serious consideration. In this connection, your attention is specially invited to the clauses, giving to certain tribes the unqualified right of admission as a State into the compact of the Confederacy, and, in the mean time, allowing each of these tribes to have a delegate in Congress.

These provisions are regarded not only as impolitic, but unconstitutional, it not being within the limits of the treaty making power, to admit a State or to control the House of Representatives in the matter of admission to its privileges. I recommend that the former provision be rejected and that the latter be so modified as to leave the question to the future action of Congress, and, also, do recommend the rejection of those articles in the treaties which confer upon Indians the right to testify in the State Courts, believing that the States have the power to decide that question, each for itself, independently of any action of the Confederate Government.

The pecuniary obligations of these treaties are of great importance. Apart from the annuities, secured to them by former treaties, and which we are to assume by those now submitted, these tribes have large permanent funds in the hands of the Government of the United States as their Trustee. These funds may be divided into three classes.

1st. Money, which the Government of the United States stipulated to invest in its own stock or stocks of the States, and which has been partly invested in its own stocks, and partly, uninvested, remains in its treasury, but upon which it is bound to pay interest.

2d. Funds, invested in the stocks of States not members of this Confederacy.

3d. Money, invested in stocks of States now members of this Confederacy.

These three classes include all the important pecuniary obligations involved in these treaties, except interest, collected by the Federal Government and not paid over to the Indians, and arrearage of annual payments, due under existing treaties, to which exceptions a further notice will be given. By the treaties, now submitted to you, the first and second class are absolutely assumed by this Government;

but this Government only undertakes, as Trustee, to collect the third class from the States which owe the money, and pay over the amounts to the Indians when collected.

It is fortunate for the Indians and ourselves that the amounts, embraced in classes one and two, are relatively small, and the obligations incurred by their assumption cannot be onerous, as the amount, due by States of the Confederacy on account of investments in the funds of Northern Indians, considerably exceeds the amount to be assumed under this provision of the treaties. We thereby have the means to compel the Government of the United States to do justice to the Indians within the jurisdiction of the Confederate States, or to indemnify ourselves for its breach of faith.

By the treaty with the Cherokees, we undertake to advance one hundred and fifty thousand dollars, and the interest of fifty thousand dollars for educational purposes, on what are known as the Cherokee neutral lands, lying between the State of Kansas and the Cherokee Territory, for which the Indians paid the United States Government five hundred thousand dollars, and which lands we guarantee to the Indians against the hazard of being lost by the fortune of war or ceded by treaty of peace.

I herewith submit to you estimates of the entire pecuniary obligations assumed by these treaties, in tabular exhibits, "A and B." They are generally stated with great minuteness in the treaties, but I have caused them to be abstracted and put in tabular form for more convenient reference. I also submit to you the report of Albert Pike, the Commissioner, which contains a history of his negotiations and submits his reasons for a departure from his instructions in relation to the pecuniary obligations to be incurred.

In view of the circumstances by which we are surrounded, the great importance of preserving peace with the Indians on the frontier of Texas, Arkansas and Missouri, and not least because of the spirit these tribes have manifested in making common cause with us in the war now existing, I recommend the assumption of the stipulated pecuniary obligations and, with the modifications herein suggested, that the treaties submitted, be ratified.

JEFFERSON DAVIS.

REPORT OF ALBERT PIKE,

Commissioner of the Confederate States to the Indian Nations West of Arkansas—of the results of his mission.

The President of the Confederate States:

Sir: Early in May of the present year, I received your letter of 9th March, tendering to me the appointment of Commissioner to the Tribes of Indians West of Arkansas, and commissioning me to convey to them assurance of the good will of the Confederate States towards them.

I had previously been indirectly informed of my appointment; had accepted, by letter to the Secretary of State, and had been directed by him, to act on your letter at my discretion, until further instructions.

On the 16th of May, the Secretary of State directed me by telegram to proceed to the Indian country and embody a Regiment of Choctaws, one of Creeks and one of Cherokees, to which it was promised arms, &c., would be furnished.

Before proceeding to the Indian country, I desired to go to Montgomery, obtain funds to defray my expenses, and receive full instructions in regard to my powers and duties.

But the great apprehension existing on the frontier of Arkansas, in regard to the temper of the Indians, the fear of hostilities on their part, and the number of letters re-

ceived by me, urging me to hasten to the Cherokee country, lest I might be too late, induced me to change my purpose, and proceed to that country at once, instead of first going to and treating with the Choctaws and Chickasaws, who had declared their independence of the Northern States, and their readiness to treat with the Confederate States; which I wished to do, and next to treat with the Creeks and Seminoles, for the moral effect which treaties with them would produce on the Cherokees.

On the 21st of May I left Little Rock by steamboat for Fort Smith, which place I reached on the 24th.

The only funds received by me from the Government of the Confederate States, for the purposes of my mission, until after it was ended, and in the latter part of October, were sixty dollars, which I received from an agent of the Commissioner of Indian affairs, in the latter partof June. The Convention of the people of Arkansas having requested me to act as Commissioner of that State also, advanced me for my expenses the sum of five hundred dollars, which, as I did not act in that capacity, I have repaid to the Treasury of the State, since my return.

At Fort Smith, I procured from the Brigade Quartermaster of Gen. McCulloch, an ambulance and four mules for transportation of the baggage and provisions of myself and party; which I thought would perhaps be sufficient, and with which I could travel more rapidly than with a wagon. I found this impracticable afterwards, and had to procure at the North Fork of the Canadian, about the middle of July, a wagon and four mules with a driver in addition.

It being in the highest degree important that the communication of our Government with the Indian nations and tribes should be at once placed on the same footing with that before maintained by the Government of the United States, and that the change of Government should not be accompanied by any change of Agents, that might tempt the Indians to take sides against us upon a collateral matter, I requested Elias Rector, the Superintendent of Indian Affairs, to continue to execute his powers and perform the duties of his office, under the Confederate Government; and sent the same request by letter to John Crawford, Agent for the Cherokees, Samuel M. Rutherford, Agent for the Seminoles, Douglas H. Cooper, Agent for the Choctaws and Chickasaws, and Matthew Leeper, Agent for the Wichitas, Comanches and other Reserve Indians,thus virtually assuming the

responsibility of continuing these gentlemen in their several offices; and supposing that William H. Garrett, Agent for the Creeks, had resigned, and that William Quesenbury, who had been appointed in his place, had qualified and was in office, I requested the latter to act as Agent for that Nation. It was subsequently ascertained that Mr. Garrett had not resigned, and he consequently remains in office, Mr. Quesenbury declining to interfere with him by accepting it.

The gentlemen above named were all well known to me as loyal to the Confederate States. Mr. Crawford is a citizen of Arkansas, and his appointment was procured by Senator Johnson, of Arkansas, for that reason. Mr. Garrett is a citizen of Alabama, Col. Cooper, of Mississippi and Messrs. Rutherford and Leeper are citizens of Arkansas.

On the 7th of October, I authorized Andrew J. Dorn, a citizen of Missouri, and Agent for the Osages, Quapaws, &c, at the time of the secession of the Confederate States, to continue to act as such Agent.

All these gentlemen consented to act, and have been engaged, since their appointments, in the discharge of the duties of their offices; and it becomes necessary to provide the means of payment for their services, for which they have as yet received nothing from the Confederate States.

I left Fort Smith for Tahlequah in the Cherokee nation, on the 28th of May. The party consisted of myself, Mr. William Quesenbury, whom I had employed as my Secretary, Mr. William H. Faulkner, a young gentleman of Little Rock, and my son, Walter L. Pike. At the Creek Agency I was also joined by Capt. Wm. Warren Johnson, now my Aid-de-camp. Three servants and the driver I afterwards employed, completed the party. An escort of a company of Arkansas mounted State troops, commanded by Capt. Thos. Lewis, accompanied me, furnished by Brig. Gen. McCulloch, who also caused me to be furnished with partial subsistence supplies for thirty days.

In addition to the labor performed by my secretary, I found it necessary, on account of the pressure caused by the copying of treaties and the multiplicity of accounts and abstracts, to avail myself of the very valuable and constant services, as a skilful accountant and copyist, of Capt. Johnson, and of those of Mr. Walter L. Pike, (for whose labor I have allowed no charge to be made,) as a copyist.

I reached Tahlequah on the 4th of June, and on the 5th had an interview with the Principal Chief of the Cherokee Nation, the Hon. John Ross. He had already publicly declared it to be his determination to remain neutral, and had recommended that policy to his people, the majority of whom sustained him in it; and in the interview I had with him, he declared that he adhered to that policy, and that he would make no treaty with the Confederate States; since that would be in violation of the treaties of the Cherokees with the United States; and he protested against any occupation of the Cherokee country by our troops, while declaring that he was in sentiment and feeling a Southern man, born in the South, and the owner of slaves; for, he said, the Cherokee people were few in number, and if they took up arms, their country would be overrun, and the Nation ruined.

Gen. McCulloch, who had gone to Tahlequah from Fort Smith by a different route, and met me at the Chief's residence at Park Hill, five miles distant, was present at this interview, and informed the Chief that he would respect his neutrality, but that if any Northern troops entered the country, or if the Southern party in the Nation were oppressed, he should himself occupy it at once.

On the 6th of June I sent to Mr. Ross the letter, of which a copy is submitted with this report, marked A; an answer to which, enclosing his reply to a letter from the Commissioner of Indian Affairs was received by me at the Creek Agency some weeks afterwards, repeating his determination to remain neutral. That answer I transmitted to the Secretary of State. I shall hereafter speak of the obstacles that impeded our negotiations among all the principal Indian Nations, of the inducements that tended to persuade them to adhere to the Northern government, and of the reasons for suspicion on their part in respect to ourselves.

There were other difficulties and troubles, in addition, among the Cherokees. From a period at least as remote as the year 1835, two parties had existed in that Nation—one headed by Mr. Ross, and in which much the larger portion of the full-bloods was included, opposed to the treaty made in that year; and the other, composed of those who made that treaty, and their adherents, including most of the half-bloods. Many acts of violence had been committed, and the most bitter feelings had all the time prevailed; but Mr.

Ross had been regularly and continuously elected Principal Chief, up to the time when our troubles commenced.

The party opposed to Mr. Ross had taken open ground in favor of the seceding States; and it was alleged that on the other side a secret society existed, of which nearly all the full-bloods were members, founded under the auspices of certain missionaries, alleged to be abolitionists, held together by stringent oaths, and used for purposes of violence and outrage towards the half-breeds. Attempts to raise secession flags had been prevented by the interposition of large bodies of armed men, and the Southern Rights men in the Nation were greatly apprehensive of danger to themselves.

Some of the leaders of this party had called on General McCulloch and myself at Fort Smith; and before leaving that place I sent a messenger to six of the most influential men of the party, residing in different parts of the Nation, requesting them to meet me at the Creek Agency, after I should have seen Mr. Ross, on a day which I fixed; my intention being to enter, upon his refusal to treat, into a convention with them, guaranteeing protection to themselves, and its rights and privileges to the Nation. The fear of consequences, and other causes, prevented the attendance of any of them. They were a minority of the Nation, and could not venture to raise companies for our service, though some were organized for self-defence; nor did General McCulloch think it best to call upon them at that time, to raise and furnish troops.

On the 6th of June I left Tahlequah, and reached the Creek Agency on the 7th. I had sent an invitation to the Creek Chiefs, who were personally known to me, to meet me at North Fork Village on the 7th; but the high waters had prevented my reaching that place in time. The Chiefs now represented that it would be necessary to call a General Council of the Nation, in order that whatever was done might receive the sanction of the whole people. Two Delegates had gone to Richmond, and to give time for their return, until which I found nothing could be effected, I fixed the 25th as the day for the meeting of the Council. This was agreed to, and notice sent to the different towns.

I remained at the Agency until the 22d of June. A day or two previous, I sent Captain Lewis' company back to Fort Smith, and had no other escort afterwards except the Indian company hereafter mentioned.

Soon after reaching the Agency, I received the letter from the Commissioner of Indian Affairs, which is marked B, and the copy of his instructions from the Secretary of War, which is marked C. Some two weeks afterwards I received the letter from the Secretary of State, marked D, dated the 25th of May, with a copy of "An Act for the protection of certain Indian Tribes," approved the 21st of May, 1861.

The Act of Congress in question, while declaring the extension of jurisdiction and control over the Indian country, enacted by it, to be subject to all the rights, privileges, immunities, titles and guarantees, with each of the Indian tribes, under treaties and statutes, had proceeded to provide that nothing therein contained should be construed to commit the Government of the Confederate States to any obligation to pay any moneys due from the Government of the United States to the said Indian tribes, or to discharge any obligations contracted by the Government of the United States to the said Indian tribes, which would involve an expenditure of money by the Government of the Confederate States.

This act, the Secretary of State advised me by his letter, would be my guide in any undertaking with the Indians. "This being the law," he said, "it is not in the power of the President to vary it. Congress did not know the extent of the obligations, and would not adopt them blind."

The Secretary at War wished the Indians to be informed of the earnest desire of the Confederate States to protect them against the rapacity of the Northern States, and that those States would undoubtedly free their slaves and seize their lands. He desired them to call out their warriors and take the field in the service of our Government, by which they should be armed and paid. He said, "In addition to those things, regarded of primary importance, you will, *without committing the Government to any especial conduct*, express our serious anxiety to establish and enforce the debt and annuities due to them from the Government at Washington, which otherwise they will never obtain;" and he directed the Commissioner of Indian Affairs to communicate to the Indians "the abiding solicitude of the Confederate States to advance their condition in the direction of a proud political society, with a distinctive civilization, *and holding lands in severalty, under well defined laws, by forming them into a Territorial Government*," but that he should give them no assurance of State organization and independence, as they

still required the strong arm of protecting power, "and might probably *always* need our fostering care."

If the Secretary at War had desired to take the most certain means of making it impossible to effect a treaty with the Cherokees, Creeks, Seminoles, Choctaws and Chickasaws, he could have found none so perfect and complete as to have communicated to them these instructions. Of two things, above all others, these tribes, and all their people to a man, are afraid: One, that their lands *will* be parcelled out in severalty without their consent; another, that they will be compelled to receive a Territorial organization. By promising these two things, and cutting off all hope that they could ever become a State, he would with the greatest ease have rendered all attempts to treat with them nugatory, and driven every one of them to take up arms against us.

Fortunately, the Commissioner of Indian Affairs did not enter the Indian country, and these instructions remained unknown. When some of the Choctaw and Chickasaw Delegates desired to transfer the negotiations to Richmond, a perusal of them ended that notion at once.

Before I had received the copy of the act of Congress and the letter of the Secretary of State, I replied to the letter of the Commissioner. A copy of my reply was forwarded by me to the Secretary of State, and no copy was retained by me.

I had been informed by Capt. Johnson, that the Secretary of State had, in his presence, informed the Hon. Robert W. Johnson, of Arkansas, whom I had desired to ascertain what my powers were, that I had all the powers of a Minister Plenipotentiary, with military powers superadded. I had not received, and never have received any official definition of my powers, nor any other instructions than those already quoted. Supposing myself to be acting by authority from the Department of State, I therefore informed the Commissioner, that if I considered myself bound by the instructions of the Secretary at War, I should at once resign and return home; and that I should give the Indians guarantees directly contrary to those instructions. If I had then received the letter of the Secretary of State, and the copy of the act of Congress, I think I should have resigned. Whether it was fortunate or unfortunate that I did not, will depend on the Government's approval or disapproval of my acts.

I also endeavored to show why I could not accept and act upon the instructions of the Secretary of War, in regard to

the debts and annuities due the Indians. The reasons which I thus gave seemed sufficient to myself, as was natural, since I had formally proposed to the Chief of the Cherokees to do that which the Secretary at War directed should not be done.

But when, afterwards, I received the copy of the act of Congress, and the consequent directions of the Secretary of State, I found myself placed in a position of great difficulty. That letter virtually directed me not to assume the payment, on the part of the Confederate States, of any annuities or other moneys due any of the Indians. The instructions of the Secretary at War to the Commissioner of Indian Affairs were directly to the same effect. On the other hand, without assuming these debts, no treaty was possible with any of the tribes, and the gravest consequences would result; and, in the meantime, it was necessary to act at once.

It was useless to tell these Indians that they had nothing to fear from the love of land of the people of the Southern States, but that the States of the North would inevitably rob them of these lands. The Commissioner of Indian Affairs was desired by the Secretary at War to impress this on the Indians, and the Commissioner particularly urged me to do so. He did it himself, in his letter to John Ross, the able and astute Chief of the Cherokees, who quietly replied that he believed no foot-tracks of the Red men were now to be seen on the Tennessee any more than on the Ohio. The completeness of the response leaves little to be added to it. All these Indian tribes originally lived within the limits of what are now the Confederate States—the Cherokees in North Carolina, Georgia and Tennessee; the Creeks and Seminoles in Georgia, Alabama and Florida; the Choctaws and Chickasaws in Alabama and Mississippi; and all their lands had been yielded up on the demand of *these* States. Most of them had been removed west of the Mississippi under circumstances of peculiar hardship, so much so that in consequence of the removal, more than a fourth of their number perished. Their just claims for damages caused by gross, repeated and inexcusable violations of treaties had been disregarded, in some cases for more than a third of a century, and inadequate compensation finally made for part, in some cases, on condition that they would release the rest; and the reluctance of many Southern Senators to do them justice, their open opposition, indeed, in some cases, had forced

them too often to appeal to others, to whom they ought never to have been led to look for justice long denied.

Some of the most influential Creeks had been taken west in irons; and among the Seminoles were many who were in arms against us only a few years ago.

There being no taxation known in any of these Nations, nor any other mode of raising revenue, they were wholly dependent on their annuities and annual payments for means to support their Government, educate their children and pay the mechanics employed in the public service; and as among some of them, annuities were distributed per capita, all the people looked to these as the chief means by which they could procure such articles as they needed from the stores.

The Federal Government had withheld these annuities from them for the year 1861, in order by means of the hold so gained upon them, to keep them *loyal*. To some, arrearages still further back were due. Of half a million of dollars *appropriated* for the Choctaws, only a small part was paid, and of the check on a bank in New York, given for another portion, payment was stopped, that the fear of loss might prevent an alliance on their part with the South.

Among the five principal tribes there is no lack of shrewd, capable and well informed men. These not only knew that treaties made within six years had been grossly violated, almost as soon as the ink was dry upon them, but they also knew that the Northern States greatly outnumbered us in population, had a far greater command of means, and held by far the largest share of the property of the Union. To them the contest seemed, at the best, a very doubtful one, to engage in which on their part was most dangerous.

The Cherokee county extends to within a short distance of the Kansas line, and between it and them were the Osages, long their enemies, and who own no slaves, and would probably side with the North. Missouri, Maryland and Kentucky, the principal men knew, had refused to side with the Confederate States; and among the Indians themselves, not one in fifty owns a slave.

We wished these people to separate from the Northern States and unite themselves with us. We proposed to ask them to throw away all chance of ever receiving a dollar of the moneys due them from the North, while we should decline to assume those debts ourselves. We proposed to ask them to put their lands, their slaves, their very national existence on the hazard of the die, and take up arms for us,

while we should decline to assume to pay them what we and the North together justly owe them.

Their treaties, I was urging on these Indians, were made with *us*, as well as with the North, and therefore they would not violate those treaties, made with the United States, by entering into an alliance with us. Surely it followed, if we were the party of the first part to those treaties for *that* purpose, we were so for *all* purposes; that if *they* were to be asked to abide by their treaties in *our* favor, *we* could not refuse to do so in *their* favor.

It seemed to me that it *needed* no new agreement on our part to charge ourselves with all the debts due them by the United States. The new Government, claiming their allegiance or adhesion, *succeeding* to the rights of the old Government, succeeded also to its liabilities; and on no other ground than that of succession is it possible to maintain the validity or propriety of the act of Congress extending our jurisdiction over the Indian country. We take the place of the United States; and we cannot take it for one purpose and not for all.

I hope the President will not consider this argument as out of place. Upon its validity depends the propriety of my action, and perhaps the fate of the treaties themselves, the peace of the Indian country, and its gain or loss to us.

It was forced upon me to decide at once what I would do. It was very clear that if the Indian tribes were not conciliated and treaties made, they would be confederated against us in ninety days. A Council of Creeks, Seminoles, Shawnees, Cherokees, Delawares and the Indians of the prairie, was then being held, high up on the North Fork of the Canadian, to form a confederation for the purpose, in pretence, of maintaining neutrality, but in reality for that of siding with the North. An agreement to that effect was in fact made there. Vague ideas of independence, of a union of all the tribes, and of thus gaining great privileges, by seizing the advantages offered by the troubled state of our affairs, were afloat all through the Indian country. An emissary from Kansas was among the Creeks. The Shawnees, Delawares and Kickapoos, residing there, were disaffected; not a few men, whites and Indians, were mischievously disposed; and Mr. Ross was counselling the influential Creeks to adhere to his policy of neutrality. Ben Marshall, a Lower Creek, owning a hundred negroes, was opposed to making a treaty; and so was Hopoi-ilth-thli-Yahola, an Upper Creek, formerly Na-

tional Speaker, and brought out of Alabama in 1836 in chains; one of the men who killed Gen. William McIntosh, Principal Chief of the Creeks, for making the treaty of 1827.

There was no time to wait to receive further instructions from the Government. If I returned home, seventy-five hundred fighting men, who could be made our allies, might become our enemies, and part of them certainly would.

In that event, the whole force of Gen. McCulloch would be required in the Indian country, millions of money be expended in subduing the Indians, aided as they would be by Northern troops, and the whole Western frontier of Arkansas would be ruined, if we did not ultimately lose that very finest portion of the southern country, a loss equivalent to that of at least any one of our States.

Still, even these considerations would not have induced me to act in direct contravention of a prohibition contained in an act of Congress. Perhaps that would not be justified in any case. But I could not see that the act in question did more than declare that the Congress declined to assume, by any exercise of the *Legislative* power, the annuities and debts due the Indians. It was, to my mind, simply the exclusion of a conclusion. It did not assume to prohibit the assumption of part or the whole of those debts and annuities by the legitimate exercise of the *Treaty-making* power: and certainly no such intention to prohibit that assumption in the proper mode, could be implied, or be attributed to the Legislature, unless the language admitted of no other construction.

Finding in the act no limitation of my powers, and in my instructions nothing beyond a reference to that act and its supposed meaning, and knowing that it would be a great wrong and a great mistake to refuse to assume those debts, and that without such assumption no treaty could be made, I determined to assume the responsibility of doing so, and if it proved to be an error, to abide the consequent censure of my Government.

There was still another reason. The moneys due the Cherokees, Choctaws and Chickasaws, with part of those due the Creeks, amounting in the aggregate to quite a large sum, were invested in stocks, chiefly of individual States of the Confederacy. The interest on *these* moneys, by the act of Congress, the Confederate States proposed only to endeavor to *collect*; and it was, therefore, more imperative that they should agree to pay *other* moneys, due by the United

States, *including* the Confederate States, and by individual Northern States, to agree to endeavor to enforce payment whereof would be a mockery.

If I should fail to convince the President and Congress of the propriety of the conclusion to which I came, I can only plead in excuse the exigencies of the occasion, the grave interests at stake, and the sincerity of my convictions.

On the 25th of June I reached the North Fork village, on the North Fork of the Canadian River, and found the Creek Council not yet assembled. The Delegates of the Choctaw and Chickasaw Nations, thirty-one in number, had also repaired to the North Fork, and desired there to negotiate a treaty. The Principal Chief and some of the leading men of the Seminoles were also present, by my invitation; and all met me in the most friendly spirit.

On the 27th of June I atttended the Council of the Creeks, and made them the talk which is herewith submitted, marked E. This was carefully interpreted, and the next day I presented them with the draft of a treaty, and also about the same time submitted the draft of the Choctaw and Chickasaw Treaty to the Delegates from those Nations. Hopoi-ilth-thli Yahola opposed making a treaty, and though he had a long and friendly conference with me, finally retired with his young men from the Council of the Creeks, which then determined by unanimous vote to join the Confederate States, and appointed a committee to examine into the proposed treaty, and definitely settle its provisions.

Some delay intervened in consequence of the settlement, as a preliminary measure, of a convention of amity between the Creeks, and the Choctaws and Chickasaws; and, in addition to the efforts of mischievous persons, not members of either nation, to defeat the nogotiations, some of the delegates themselves labored to the same end, urged by private motives. Some desired to go to Richmond, and make a treaty there; and there were other motives on the part of some, not necessary to be any longer remembered. It may be added, also, that an Indian has no idea that time is of any value; and, therefore, patience is a peculiarly necessary virtue in dealing with them.

On two points only, I encountered serious difficulty. All the three nations were desirous to treat as *independent* nations, and to conclude a treaty of *alliance* and *friendship*, only.

They were opposed to assuming the state of *Wards*, and to accepting the *Protectorate* of the Confederate States. I found the same objection among the Cherokees, who regarded those terms as recognizing the correctness of the decision of the Supreme Court of the United States in the Cherokee case, so defining the relation between the United States and the Indian tribes. That point I could not yield; and it was finally conceded by the Indians, upon my explanation of the meaning of the terms, and that their meaning was limited by the provisions of the treaties, while the terms themselves were indispensable.

The leading half-breeds among the Creeks had also made up their minds to have no Agent of the Confederate States among them, and desired to argue the point; but that I declined and they yielded.

In other matters the Choctaws, Chickasaws and Creeks asked only such additions and changes as were right and fair, and these I readily conceded. So that at length the provisions of both treaties were settled to the entire satisfaction of all.

The treaty with the Creeks was signed on the tenth day of July, and ratified in General Council, on the 29th of July, the Chiefs of every town in the nation signing the act of ratification.

The treaty with the Choctaws and Chickasaws was signed on the 12th of July, and has since been ratified by the Chickasaw Legislature. I have not yet heard of the action of the Choctaw General Council, whose session commenced on the first Monday of October.

On the 14th of July, I left the North Fork and reached the Seminole Agency on the 21st. I had sent a request to the Indians living on the reserves in the country leased from the Choctaws and Chickasaws, to meet me there, and found them in attendance when I arrived. It was not, at that time, my intention to go to the leased country; and as many of these Indians had left their reserves when the troops of the United States abandoned that country and were succeeded by volunteers from Texas, I wished to add to my own assurances of our power and disposition to protect them, those of the authorities of the Creek Nation, for whom the more western tribes entertain a great respect; and I, therefore, induced the principal Chief Moti Kinnaird or A-wa-li-co Chapco, and other influential men of the Creeks to accompany me. John Jumper, or Hiniha Micco, the prin-

cipal Chief of the Seminoles, had heard the draft of the Creek treaty interpreted at the Creek Council, and had returned home satisfied with its provisions and determined to advise his people to make a similar treaty. Accordingly, I met with no difficulty with the Seminoles. I made them the talk which is herewith submitted, marked F, and they promptly decided to join us. I concluded the treaty with them on the first day of August, which, being made by the General Council, needed no ratification. The payment of one just claim is provided for, and an investigation of another; and I found it advisable, in order to satisfy this people of our justice and liberality, to provide an additional compensation for the delegates, who, in 1857, went to Florida to induce the Seminoles in that State to remove to the West. The compensation allowed them was grossly inadequate, and in that or some other form it was necessary to establish our influence on a firm basis, by enlisting the influential men on our side; and I wished to give no gratuities.

At the Seminole Agency, on my arrival, I found the Superintendent of Indian Affairs, Major Elias Rector, whom I had directed to meet me there, on account of his being known to the Reserve Indians, whom I expected to meet, and for whom he had selected the country which they were now occupying. The delegates of these Bands, on receiving my talk, readily agreed to accept the protection of the Confederate States; and, being informed by letter from Mr. Vore, an agent whom I had sent to the Wichita Agency, and from other sources of information, that the Chiefs of some of the Bands of the Comanches would meet me at that Agency, I determined to go there, in the hope of inducing those Bands to abandon their wandering life, and settle on Reserves.

On the 3d of August I left the Wichita Agency, accompanied by Superintendent Rector and Mr. Leeper, the Agent for the Reserve Indians, who had come with Major Rector to the Seminole Agency; by a delegation of Creeks and Seminoles, headed by the principal Chief of each Nation, and by an escort of 36 Creeks and 28 Seminoles, whom I had received into the service as a special company for that purpose.

On the 6th of August I reached the Wichita Agency. It is situated on a small brook, an affluent of the False Washita river, about five miles eastward from Fort Cobb, and a mile or more from the river.

That portion of the Choctaw and Chickasaw country

which lies west of the 98th parallel of longitude, was leased by the United States from the Choctaws and Chickasaws, by the treaty of 1855; and in the treaty I had negotiated with those Nations, the lease is continued for the term of ninety-nine years. It was originally procured from them, in order to place upon it, on Reserves with definite limits, the small bands of Comanches and other Indians settled prior and up to the year 1859 on Reserves in Texas. These bands were, the Peneteghca Band of the Neum or Comanches, numbering about 320 persons, the Wichitas, or Ta-wai-hash, the Huecos, the Tahuacaros, the Cadohadachos, Sudi or Nassowit, commonly called the Caldos, the Anadaghcos, the Toncawes, the Aionais, the Kichais, and a few Shawnees and Delawares; altogether being about 2,500 persons.

The United States had agreed to build them houses, to aid in opening ground for them to cultivate, to feed them until they could support themselves, and to supply them with clothing, cattle and implements of husbandry. When the United States troops withdrew from the country, in April of the present year, the Agent also left the country, and about half of the Indians, alarmed at this and at the stationing of Texan troops there, at Fort Cobb and Arbuckle, fled into the Seminole and Chickasaw country, and had not returned. Those who remained continued to be fed by the contractor, and as he had been paid by the Government of the United States up to the 30th of June only, and was about to abandon his contract, I had directed him to continue issuing rations under it, on account of the Confederate States, until a new contract should be made. This he was doing when I arrived there.

I found the Chiefs and head men of four Bands of the Comanches of the prairies waiting for me. They had come in, leaving their families near the Antelope Hills, and had with them only a few of their people, one hundred and forty being the whole number present.

On the 12th of August I concluded a convention with the Chiefs and head men of these four bands, the Noconis, Taneiwes, Yaparihcas, and Cochotihcas, by which they agreed to come in and settle on Reserves in the Leased District, and I agreed that they should be fed and assisted like the Reserve Indians. On the same day I also concluded a convention with the Reserve Indians themselves.

The Comanche Chiefs also agreed to visit the other bands of the Neum, and induce them, if possible, to follow their

example, in which they believed they should succeed. These other bands, so far as I could learn their names, are the Mo-cha, the Ke-wih-che-mah, the Tich-aih-ken-e and the Pa-a-bo, and all have the generic name of *Neum*, the word *Comanche*, not being used by themselves.

I was greatly assisted in this negotiation, by the Creek and Seminole delegates, and by the presence of an armed escort of those Indians, serving as soldiers under the Confederate flag. Their presence gave great confidence to the Comanches, and persuaded them to rely on my promises and good faith; and the Creek and Seminole Chiefs did every thing in their power to gain their confidence, by assuring them that all the promises I made them would be fulfilled, and by pointing to the condition of themselves and their own people, as evidence of the good results to be expected from their adoption of a settled life and the abandonment of their nomadic habits. To their exertions my success is in a great measure to be attributed.

It is especially expressed in the Comanche treaty, that Texas is one of the Confederate States, a party to the treaty, and bound by all its provisions, and that always hereafter peace is to prevail between it and the Comanches. This was necessary, because war had long existed between them, and it had seemed impossible to make the Comanches understand that Texas was a part of the United States.

I am satisfied that these Indians acted sincerely and in good faith. They seemed very anxious to be allowed to settle on land of their own, and to live in peace. I feel certain that they will do so if no unfortunate collision occurs to shake their confidence, and if the Government complies promptly and fully with my promises. So far as they are concerned, I am sure that there will be no longer a border war in Texas, annually costing many valuable lives and entailing an immense expense upon the State and Confederate Treasuries.

In the hope of preventing any attack upon the bands which had treated with me, I gave each of the Chiefs a white flag and letters of safeguard. On their way back they met a detachment of Major Burleson's command of Texan troops, who respected the flag and letters, and thus gave the Comanches assurance that Texas really is a party to the treaty.

The Cai-a-was, a wandering prairie tribe, who have continually associated with the Comanches, and speak their

language as well as their own, refused to come in and make a treaty, quarreled with the Comanches for agreeing to do so, and after murdering a boy, near Fort Cobb, and two or three men of a company of Texan troops, fled with a plain trail direct to the Comanche camp, near the Antelope Hills, in the hope, no doubt, of inducing the belief that the Comanches were the murderers, and, by thus causing an attack to be made on them, of breaking off the treaty. Fortunately, Major Burleson, who followed the trail, did not overtake the Comanches, and no collision occurred.

Soon after the treaty was made, these Cai-a-was declared that as soon as their young men returned from Mexico, where they then were on a marauding expedition, they would come down and attack the Indians on the Reserves, and kill and plunder on the Texan frontier. They drove away from among them the celebrated Comanche Chief, Buffalo Hump, for twenty-five years the active enemy of Texas, telling him to return to his people, the Penetegheas, who were friends of the whites, and prepare for war, since there was no longer any friendship between the Comanches and themselves. That Chief accordingly left them, and came to the Wichita agency, desiring to have a house built for him that he might settle with his people.

I have no doubt that the acts of hostility lately complained of in Texas, have been committed by the Cai-a-was, and they are, of course, charged to the account of the Comanches, none of whom are now hostile. I have just learned, by letter from Fort Smith, that seven thousand Comanches were encamped a short distance from Fort Cobb, waiting for the leaves to fall that they might come in and meet me and settle; that all the Comanches had determined to do so, and that the Cai-a-was had, with the exception of about twenty, received the wampum I sent them, and likewise agreed to come in and make a treaty.

I had promised the Comanches to meet them at the Agency at the falling of the leaves, and to bring with me the goods promised as presents; and I had sent by them to the Cai-a-was the wampum of peace and a bullet, with a message telling them to take their choice, and that if they should choose war, I would send a thousand Creeks and Seminoles after them, and wipe them out. The Comanche Chiefs thought that this would induce them to treat; and their judgment seems likely to be confirmed.

The person with whom I effected a contract to continue to

feed the Reserve Indians for a year, has made ample arrangements to supp'y all the wild Indians who come in and settle; and I have sent a message to them that I have been unexpectedly delayed, but will soon come or send the Superintendent to assign them lands and deliver their presents.

If these Indians should abandon their nomadic life, and settle on Reserves, it will be found much cheaper to feed them for a time, supply them with animals for work, build them huts, and help them to open and cultivate farms, than to maintain two or three regiments in order to kill them; since the cost of that has certainly not been less than fifty thousand dollars a head, for men, women and children; and since so few have been killed in twenty years, as in no wise to have diminished their capacity to do injury.

The Comanches are a brave, frank, and intelligent people, far superior to most of the other tribes. Their language is a fine and sonorous one, resembling in its terminations that of the Nachis or Natchez. I was favorably impressed by them, and am satisfied that they will easily become reconciled to a settled life and the cultivation of the soil. Those of the Peneteghca band, who have been several years on Reserves, are entirely peaceful and quiet and have shown a commendable industry. They need more houses; and those that have been built for them are very miserable huts, while their tents are worn too thin to protect them against the cold. They have this year cultivated a considerable field of corn, and if they had had the assistance promised them and provided for them, would now be in a very comfortable condition. When they were driven from Texas, they left behind them good houses and large numbers of cattle, for which they ought to be remunerated; and far better care ought to be taken of them and the Reserve Indians than has been hitherto, if only for the sake of common humanity and decency.

The Reserve Indians are all returning to the Reserves, where, if they had remained, they would this year have made good crops of corn. Their alarm and consequent removal was natural enough, when they saw the troops and Agent leaving, and Texan troops entering the country on the heels of the former. Huts have been built for some of them, of such a sort that few will live in them; and the Toncawes have none. A large sum of money was expended in the purchase of clothing for them; but now they are nearly naked. To this, however, the Cadohadachos, Shawanos and Oponaghkes

or Delawares, are exceptions. Among all the bands the chiefs are intelligent men. Some of them as much so as any Indians I have ever seen. My camp was continually filled with them and the Comanches, for ten days, and we lost not a single article of any kind, even of the slightest value. Some of them are quite industrious; and if they are properly encouraged, will soon raise crops of corn and vegetables sufficient for their support.

The Cai-a-was are a people of Northern origin, who came down many years ago into the prairie with dog trains, from the Northwest, having no horses. Now they have an abundance. They are inveterate horse-thieves, and always at war. I do not know and cannot learn their number. A large number, it is said two thousand of them, and the Arapahos, were not long since gathered at Fort Wise, on the Arkansas, expecting their presents from the Northern Government, which, it was said, they would not get. Arms have been given them by that Government; rifles, revolvers and Minie ammunition. I have seen the rifle, made at Lancaster, in Pennsylvania, taken from one of them, whom the Caddos killed, a little while before I was at the agency; and those who killed the Texan soldiers had ammunition boxes marked with the initials U. S., and Minie cartridges. It will be well to remember this, when we are reproached with the enlistment of civilized and christian Indians.

On the 10th of August I left the Wichita Agency, with my own party, our escort of Creeks and Seminoles, and about forty Comanches, for the purpose of exploring the Wichita mountains, and learning by actual inspection what extent of fertile land there is among those mountains on which Reserves might be selected for the settlement of the Comanches or other Indians. By the treaty with the Choctaws and Chickasaws, the Government has the right to place in the Leased District *all* the Comanches, Shawnees, Delawares and Kickapoos, wherever they reside, and any other tribes whose ranges are not north of the Arkansas river. I intended to offer the Shawnees, Kickapoos and Delawares in Kansas, homes in that District, as I have since done; and I wished to know whether there was any country in the mountains, as I have no doubt there is, suitable for settlement by them also.

After going as far west as the limestone hills on the north of the main Wichita mountains extended, and along the north side of these hills, to Otter or Pecan Creek, about sixty miles from Fort Cobb, I was taken sick, remained so for

eight days, and was compelled to return, without turning the hills as I intended, and exploring the country on the south side of them and among the mountains.

I reached the Wichita Agency again on the 26th of August, remained there three days, and returning by the way of Fort Arbuckle, reached that post on the 2nd of September, and there discharged my escort. A few miles beyond it, I had met two gentlemen, sent to me by the principal Chief of the Cherokees, bearing the letter from the Chief and Executive Council, inviting the negotiation of a treaty, which is marked G, and the copy of the address of the Chief and of the resolutions of the General Convention of the Cherokee people, which is marked H.

On the 3rd of September I replied to this communication by the letter marked I, agreeing to enter upon negotiations for a treaty on the 25th of September, and requesting the Chief to procure the attendance at the same time of delegations of the Osages, Quapaws, Senecas, and Senecas and Shawnees.

My letter to Mr. Ross, mention of which is made in these letters, was written on the 1st of August, the day on which I concluded the Seminole treaty; and a copy of it is marked K. When I received the reply of Mr. Ross to my letter of the 6th of June, I determined to answer it when I should have secured the adhesion of all the other principal tribes, in the hope that it might then either shake his resolution to maintain a quasi neutrality, or if it did not, that it would serve to open the eyes of the Cherokee people. Accordingly, when I sent this answer to him, on the 1st of August, I at the same time sent a copy to Fort Smith, to be published there, and also to be printed in pamphlet form and sent into the Cherokee Nation. This was done, and perhaps not without some good effect.

Being again detained five days by sickness at Boggy Depot, in the Choctaw country, I reached Park Hill in the Cherokee Nation, on the 24th of September, and there on the 2nd of October concluded a Convention with the Chiefs and headmen of the Great Osage band; on the 4th of October one with the Quapaws and one with the Seneca tribe and the Shawnees of the mixed band of Senecas and Shawnees; and on the 7th of October, a treaty with the Cherokees.

Treaties have thus been effected with all the Nations, tribes and bands in what was formerly the Southern Superintendency of Indian Affairs, that is, in the Indian country

south of Kansas, west of Missouri and Arkansas, and north of Red river, except only the Little Osage band, numbering about a thousand persons, who will no doubt unite in the treaty made with the Great Osage band, as it is provided they may do, and the Senecas of the mixed band of Senecas and Shawnees, about ninety in number, in whose favor a like provision is made.

Major Rector, the Superintendent of Indian Affairs, who had returned to Fort Smith from the Wichita Agency, when the treaties made there were concluded, again met me at Park Hill at my special request, on my arrival there, aided in negotiating the treaties made at that place, and returned with me to Fort Smith, which place I reached again on the 11th of October, after an absence of four months and a half.

In now submitting for your consideration and that of the Congress the treaties concluded by me, I should omit the performance of a simple act of justice, if I failed to bring to the notice of the Government the fair and frank manliness and honesty displayed by all these Indians in a very remarkable degree, in all their propositions and discussions. This was not less strikingly the case among the ruder tribes and bands than among the more advanced and civilized nations. In negotiating with the Cherokees, I had to deal only with the Chief and Executive Council, who were perfectly well informed in regard to the condition of our affairs, political and military. With all the other nations and tribes or their Delegations, I opened the business in hand by a talk, carefully interpreted to them, and in which I informed them as fully as possible of the fact and nature of the quarrel between the United and the Confederate States, of the existence of hostilities, of the interest which they themselves had in the controversy, in common with us, and of the hazards they would incur by uniting with us. I did this in order to deal fairly with them, and that they might never be able to plead that they had been misled or had embarked in the joint cause for want of proper information, as an excuse for repudiating their treaties with us.

The Cherokees were at first divided, and so to some extent were the Creeks. But they and all the others, when the terms of the treaties came to be discussed, met me in a spirit of the most perfect frankness, never asked for anything wrong, illiberal or extravagant, and only desired to have the just claims and rights of their people recognized

and secured, and to make such advances towards political independence as they might well ask and we concede. They were well informed as to the condition of our public affairs, carefully considered and weighed and thoroughly understood all the provisions of the treaties, were skilful diplomatists, often surprising me by the acuteness of their perceptions and their clear-sightedness, and knew well how important to us their alliance and friendship were; and still I never detected the least desire on their part to take advantage of their increased importance to us, in order to extort from us anything that the United States when they were most prosperous might not have granted. I do not think there is a single provision in any of the treaties, granting them any right or privilege, recognizing any claim, or providing for any payment, that I would not cheerfully have inserted, if I had been treating with them in behalf of the United States ten years ago.

The principal features of the treaties, with the Cherokees, Creeks, Seminoles, Choctaws and Chickasaws are the following:

1st. The Confederate States agree to pay, regularly and annually, hereafter, to each nation, all annuities, annual payments, and annually accruing interest on moneys uninvested, due them by the United States under former treaties; and to pay, immediately on the ratification of each treaty, all arrearages of the same, for the year 1861, and previous years, due by the United States.

2d. The Confederate States assume the duty of collecting and paying over to each nation the principal and interest of the stocks or bonds of any of the Confederate States, in which its funds are invested and agree to request such States to pay the same to the Government of the Confederate States, as Trustee for each nation.

3d. The Confederate States guarantee to each nation the final settlement and full payment, upon and after the restoration of peace and the establishment and recognition of their independence, of all moneys belonging to such nation, and invested in United States' stocks or in the stocks or bonds of any Northern State; and of all other moneys justly due and owing by the late United States, under existing treaties, to such nation, or people, for itself, or in trust for individuals: To which end all provisions of former treaties, by which any benefit or privilege was secured to each nation, are declared to continue in force.

4th. The lands owned by each nation under previous treaties, are guarantied to it in fee simple, with power to sell parts of the same to individuals; with reservation of tracts for the Agencies and for Forts and Military posts, and the right of way for roads; and with reversion to the Confederate States, if the nation abandons the land, becomes extinct, or sells to any other State, nation or power.

5th. It is provided that the Choctaws and Chickasaws shall be entitled to a Delegate in Congress; the Creeks and Seminoles to one, and the Cherokees to one; each Delegate to have the privileges possessed by Delegates from Territories, and such compensation as shall be fixed by Congress.

6th. It is provided that a District Court of the Confederate States shall be created for the Choctaw and Chickasaw country, and one for the Cherokee country; to which latter the Creek, Seminole, Osage, Quapaw, Seneca and Seneca and Shawnee countries may well be attached, as parts of the same District, no Court being provided for in either of these.

7th. It is provided that the Choctaw and Chickasaw country may be erected into a State, whenever the people of the two nations, by vote regularly taken, express their desire that this may be done; and it is further provided that the Creek, Seminole and Cherokee countries may become parts of such State whenever the people desire it.

On their parts, these different nations accept our Protectorate, become our wards, consent that our intercourse and certain other laws shall be extended over their country, and agree to furnish troops; and two regiments of Cherokees, one of Creeks and one of Choctaws are already in our service, while the Creeks and Choctaws each offer another, and the Seminoles and Osages each five hundred men. It is to be regretted that not more than twenty-five hundred of these are armed, or can arm themselves, with rifles or other firearms, and that, as yet, only about seven hundred rifles have been furnished by the Government, and that these are small-bore squirrel guns, of little worth, furnished the Choctaw regiment.

Of the obligation of the Confederate States to pay the debts due by them and the other States of the United States, before the separation, to these nations, I have already spoken. We should be bound to pay them, even without a new promise. We do not and could not repudiate treaties, to which we, as well as the Northern States, were parties,

especially when we ask the other party to annul them as far as the North is concerned, and regard them as if made exclusively with us, as the successors of the United States.

The whole amount of arrearages of annuities, annual payments and interest, provided to be paid upon the ratification of the treaties, or by the 30th of December next, is, according to the estimate herewith submitted, $265,927 25. The whole of this amount, ought to be paid in gold and silver. The Indians have always been so paid, and the evil effect of now, on the *first* payment, offering them Treasury notes alone, would be very great. Part of the moneys, payable in bulk, to the Treasurers of the Nations, may be paid in Treasury notes, but where they are to be distributed among the people, it is absolutely indispensable that specie should be procured; and I hope the necessary provision may be made for that purpose. For the residue of the moneys payable and to be expended during this year and the half of the next, Treasury notes may be used.

Even peace with these Nations is well worth all the moneys due them, and what it may cost to procure gold and silver; and the whole sum payable will be a small matter, in comparison with the expense of the regiments it would have required to overpower them, if they had taken up arms against us. This consideration would be deemed all-powerful, if any other were necessary than this, that the debts are *our* debts, are eminently just, were chiefly contracted on account of lands that *we* now own, and could not honorably be avoided, evaded or postponed.

And it only remains to be added, that without assuming these annual payments, and guaranteeing these debts, not a single treaty could have been made, and we should have lost the whole Indian country, or only gained it at enormous expense and loss of life, as prize of war. If the assumption and guarantee had not been eminently fit and just, it was imperatively and inexorably necessary.

The guarantees of title in fee simple to the lands of the different Nations, were but guarantees to them of what had been granted them by solemn treaties and conveyed to them by patents from the United States, and to both of which we were parties; with the exception of the right of sale or other disposition to individuals, which is inseparable from a title in fee simple, and the withholding whereof from them by the former Government was a fraud. The provisions of the present treaties which allow it, were indispensable if we

would induce them to open their country to settlement, and therefore are more for our benefit than theirs.

By Article XII. of the Treaty of 28th November, 1785, the absolute right "to send a Deputy of their own choice to Congress" was given to the Cherokees; and by Article VII. of the Treaty of 29th December, 1835, it was agreed that they should be entitled to send a Delegate to the House of Representatives of the United States, whenever Congress should make provision for the same; which Congress never was asked by the Executive to do; and by Article XII. of the Treaty with the Choctaws, of 27th September, 1830, the application of that Nation to be allowed a Delegate in Congress, was "presented in the Treaty that Congress may consider of and decide the application;" which the Executive never asked Congress to do. The degree of civilization and respectability to which these five Nations have attained, entitles them to be *heard*, at least, in the Councils of the Confederate States; and they eminently deserve this for their loyalty to us in the present crisis.

It may not be inapposite to remark, that by the Creek Treaty of the year 1836, and the Choctaw Treaty of the year 1830, all the persons of each Nation who chose to remain, and did for a certain length of time remain east of the Mississippi, became thereby citizens of the United States; and that large numbers of those now west of the Mississippi became so in that way. If it was thought proper thus to make them citizens, it cannot be improper to allow the same people Delegates in Congress. And that there are in each Nation many persons well qualified, by their intelligence and information, to represent their people, and who would reflect no discredit on the Congress itself, no one who knows them will doubt.

To establish courts of justice among them, is but to carry out that provision of the Constitution which guarantees to every man a speedy and impartial trial by a jury of the district where the offence is committed; a right which has been habitually denied to these Indians. They have been tried for criminal offences, in courts held in a neighboring State, by juries of another race, ignorant of their nature and modes of thought and springs of action; so that, from this and other causes, these trials have generally been monstrous acts of cruelty and injustice.

By the present treaties, all white men who have intermarried in the Indian country, and reside in it, or who are

allowed to vote at elections, are to be regarded, for the purposes of the criminal code, as Indians, subject to the Indian laws, and to be tried by the Indian courts. To this just provision few will, I hope, be found to object; since one who voluntarily becomes a citizen of any country, and one of its people, ought not to be exempt from the operation of its laws, and the jurisdiction of its tribunals. The only ground of objection that can seem reasonable, to the creation of District Courts in the Indian country, is, that white men, only temporarily in the Indian country, and charged with the commission there of a grave offence, ought not to be tried by a jury of Indians; and this ground of objection may be removed by a provision in the act establishing these courts, to the effect, that when a white man is to be tried, he may demand and have a jury of white men, to be summoned from an adjoining State.

To provide a means by which the whole Indian country may ultimately become a State, was the only mode of solving the question as to the destiny of these Nations. Without a violation of the good faith and honor of the Confederacy, they cannot be formed into *Territories*, and much less annexed to a Territory, or to a State, without their consent; *and that consent will never be given.* They are obstinately wedded to their system of holding their lands in common, in consequence, chiefly, of their fear that if it is parceled out, speculators will in the end defraud the ignorant, unwary and improvident out of their possessions. We cannot force them to open their lands to settlement, to accept reserves and sell the residue, or even to sell portions at their own land offices, without violating the most solemn promises, and doing an act of iniquity.

In the meantime, each Nation is determined to maintain what it terms its nationality, and no two of them will, at present, consent to form one people. The Choctaws and Chickasaws were under one government, but the latter never rested until this was undone, and separate governments established; and the same was the case with the Creeks and Seminoles.

To require, as a condition precedent to the admission of part or all of the Indian country, as a State, a population equal to the ratio of representation in Congress, would be virtually to postpone the creation of such a State indefinitely. These people increase not at all by immigration, and very slowly by the processes of nature. One plan only is

possible, and that is, to receive them as a State, and thus induce them to sell part of their lands, and permit their numbers to increase by immigration.

If it should seem to any one that too much is conceded to any of these Indians, let him but learn the great extent and the varied resources of the Indian country, with its fine streams, its splendid scenery, its soil unexcelled in the world for fertility, its vast undulating prairies, on which all the herds of the world could feed, its capabilities to produce grain of every kind, hemp, tobacco, cotton, fruit, wine and wool; its immense basins of coal, its limestones, marbles, granite, iron, lead and salt, which will make it some day the very finest State of the Confederacy, and he will begin to comprehend that the concessions made the Indians are really far more for *our* benefit than for *theirs;* and that it is *we*, a thousand times more than they, who are interested to have this country, the finest, in my opinion, on the continent, opened to settlement and formed into a State.

The President is well aware of the importance of this country, not merely to Louisiana, Texas, and Arkansas, but to the whole Confederacy. It is both a military and political necessity that it should form a part of our own country. In all probability many years will elapse before even the Choctaws and Chickasaws will avail themselves of the provision authorizing the formation of a State Government; and it is very desirable to lead them to look upon it as a thing that is at some day in the future to occur.

The Cherokees, Choctaws, and Chickasaws have regularly constituted governments, constitutions like our own, two Houses of the Legislature, and courts of justice; and the Creeks have lately adopted a similar constitution. When they once open their country to settlement, its unrivaled fertility and beauty will attract to it a vast emigration, and it will become the great pasture-ground and grain-field of the Confederate States. Its value and importance can hardly be over-estimated; and I consider the provisions in the Choctaw and Chickasaw treaty, for the surveying of their lands at some future day, and the erection of their country into a State, as the greatest success achieved by these treaties, since heretofore every movement in that direction had been decidedly repulsed.

To the special provisions contained in the principal treaties, involving expenditure of money, I shall allude in a

few words only, that this report may not exceed all reasonable dimensions.

After the terms of the Cherokee treaty were settled, the advance of $150,000, to be used for national purposes, and of $50,000 on which interest is annually to be paid, were asked for by the authorities of that nation, not as a right, but in the way of an appeal to the generosity of the Confederate States. I thought it not wise to refuse to grant what was thus asked, since that nation occupies a country very near to Kansas, and likely to be invaded, and its people had been greatly divided in opinion. The whole amount is but an advance on the price of a tract of country between Kansas and Missouri, for which the treaty agrees to pay, in case it should be lost to them. If it should not be lost, they will dispose of it, and the moneys so to be advanced will be repaid out of the proceeds of the sale, since we shall undoubtedly hold a lien on the land for such advances.

I had found it necessary, as it was evidently just, to guarantee the payment to the Cherokees of the price paid by them in 1835 for the land in question, with interest at five per cent. per annum from that sale, in case of its loss by the chances of war or the terms of a peace. If we had not given this guarantee, we should have had little right to ask them to enter into an alliance with us; and our proffered protectorate would have been but a sham.

So far as I had the data to do so, I have stated the amounts due the different tribes, and the sums invested for them, and in what stocks such investments were made. And where a claim was undeniably valid and just and the amount certain, its payment is absolutely provided for, while in some other cases I provided for an investigation of the claims at a future period.

Two amounts of $12,000 and $10,300 are thus provided to be paid to the Cherokees, and one of $5,000 to the Seminoles. Provision is made in the Seminole treaty for investigating a claim of certain Seminoles for services of slaves detained from them, and in a supplementary article of the Creek treaty, for investigating those of the Apalachicola band for losses sustained by their forced removal west.

In the Choctaw and Chickasaw treaty provision is made for the ascertainment and payment of the value of a tract of country belonging to those nations, now included within the limits of Arkansas. The facts of the claim were too plain to admit of dispute, and the Choctaw and Chickasaw Dele-

gates were unwilling to agree to a treaty, unless some provision was made for settling the matter, in such a way that their people should not be put to the expense of employing counsel or agents to procure its settlement and payment.

Provision is also made for the settlement of an account of the Chickasaws, in strict compliance with the stipulations of a former treaty hitherto contemptuously disregarded by the United States.

In the Creek treaty provision is made for the future payment to certain persons who were orphans in 1836, and their descendants, of moneys belonging to them, being the proceeds of certain reservations of lands made for them by the treaty of that year.

By the article supplementary to the treaty with the Reserve Indians, provision is made for an investigation, by the President, of the claim of the Wichita Indians, for compensation for the country between the False Washita and Red River, which, if their claim be well founded, as I have no doubt it is, was entirely just.

To the Choctaws, it is agreed that $50,000 shall be paid in advance, on account of moneys due them, and to the Chickasaws $2,000, for the purchase of arms; but no new annuities are agreed to be paid, nor any moneys not heretofore due them to be paid, to the Choctaws, Chickasaws, Creeks or Cherokees.

In favor of the Seminoles, it is agreed that the payments for educational purposes and blacksmiths, shall be continued for a limited term of years, and that $1,000 shall be given them for the erection of school houses. To this I was induced, by the great bravery and the loyalty of this people, many of whom were so lately in arms against us, and who are now all true to the cause of the South; and because I considered that no object could more commend itself to the President than that of educating the yonng among these tribes.

The expiration of all annuities payable to the Osages, the utter poverty of the Quapaws, and the wants and good conduct of the Senecas and Shawnees, induced the new provisions in their favor, absolutely necessary to their comfort and advancement.

And the importance of maintaining peace on the frontier of Texas, by settling all the Prairie tribes on Reserves, will, I hope, be deemed by the President, to have warranted

the provisions made for feeding, clothing and supplying those tribes and bands.

I have allowed a moderate compensation to the Creek, Seminole, Choctaw and Chickasaw delegates who negotiated their treaties; but did not find it necessary to purchase the aid of any of the chiefs of any of the tribes, by gratuities or payments to be made to them personally. The only apparent exception is contained in the secret article of the Creek treaty; and what is therein contained was not asked as a condition of loyalty, but only desired as a mark of honor and confidence.

The whole amount of my expenditures during the five months and more of my absence from home on this service, including provisions furnished Indian Councils, presents to Indians, pay of escort, subsistence, transportation and compensation of Secretary and Assistant and of Delegations that accompanied me, expresses and interpreters, is $18,747 20.

Of this sum, $6,914 86, were expended for the purchase of provisions supplied to the people at the several councils; $677 39 for presents to the Indians, made chiefly to the Reserve Indians and to the Comanches; $2,992 57 for the pay and allowances of the escort of Creeks and Seminoles; $2,397 02 compensation of Indian delegates and interpreters, and $1,550 compensation of Secretary and Assistant.

All the supplies furnished by me were purchased on credit or with moneys advanced in the Indian country by the merchants, to whose liberality and patriotism I bear willing tribute. I did not find one who was not loyal and true, and anxious to aid me by every means in his power.

In closing this report I hope to be pardoned by the President for making one or two suggestions that seem to me to merit consideration.

To regard an Indian as a creature radically different from a white man is a great mistake. They are a people with the same nature and affections as ourselves, and controlled by the same motives and springs of action. Nor are they a faithless and treacherous people, nor by nature jealous or suspicious, but trusting, frank and loyal. It is not to our credit that we know so little of them, and it is as little to our advantage.

We have *made* them jealous and suspicious, by the treatment they have received at our hands; and they are naturally unforgiving and revengeful, especially never forgetting a broken promise or violated pledge. In addition to the

wrongs done them by treaties, obtained by the bribery of Chiefs, by threats and intimidation, and sometimes written one way and read another, the Agents of the Government have robbed them continually, and denial of justice at Washington has forced the employment, by them, of attorneys at exorbitant compensation, which was shared by clerks in the Indian bureau, and sometimes by members of Congress. Coffee sent to a tribe in the north-west, not many years ago, was exchanged, it is said, sack for sack, for corn. Southern tribes were removed west by contract, at so much per head, and the profits of the contractor were realized from the starvation of the miserable Indians. Provisions furnished them by contractors were issued by hollow weights, and measures with false bottoms, and large fortunes were accumulated by the practice of these laudable modes of thrift.

Treaties with them were violated, without scruple, even within the last six years, almost as soon as the ink was dry upon them. Incompetent agents were appointed, to reward political services, and who took the offices in order to share the fees paid by the Indians. These persons, continually absent from their posts, cared little for those under their charge, except as a source of profit; and the vast extent of newly acquired country had so enlarged our Indian relations, that the system had become too unwieldy to be managed; and the Indian office was at once the most corrupt and the most incompetent in the Government.

The laws regulating intercourse with the Indians, enacted at an early day, when all the tribes were wandering barbarians, had ceased to suit our Southern tribes, who had established free governments and cultivated the arts of peace and civilization; while unreasonable enactments, interpreted and applied in a narrow and technical spirit, eternally harassed and annoyed these tribes.

I earnestly recommend a revision of the laws regulating trade and intercourse with the Indians, that they may be made more to accord with justice and good sense.

I earnestly recommend an immediate revision of the regulations based on those laws.

I earnestly recommend that all the treaties made by us with the Indian tribes be published in a volume, followed by the new Intercourse Act and Regulations, and by copies in full of all acts of Congress in respect to crimes and offences, that are in force in the Indian country.

And I especially hope that all Agents for Indian tribes

may be peremptorily required to remain at all times at their Agencies, and be never allowed to be absent without special permission, given for valid and sufficient reasons.

I most urgently and anxiously entreat that the treaties now made may be speedily ratified, and the moneys due the Indians promptly paid; and that all the Indians who desire to enter into our service may be received and armed, in order that they may feel that their interests and ours are identical, and that they stand upon an equal footing with ourselves, defending the same rights and receiving the same treatment as their fellow soldiers of our own race.

If the promises I have made them are faithfully complied with, and they are hereafter treated with justice and generously dealt with, their country is secured to us for all time.

And I need hardly say again to the President that even their peaceful inactivity would save us the expense of more than three regiments, and that their co-operation is worth more to us than all the moneys which these treaties bind us to pay them, and which, in the absence of any new promise, we should equally have owed them.

In the hope that my action may not be disapproved,

I am the President's most

Obedient servant,

ALBERT PIKE,

Commissioner of the Confederate States to the Indian Nations West of Arkansas.

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